

REMARKS

Specification

Applicant amends the specification in accordance with the figures such that the internal drive mechanism directly couples the impeller pulley to the impeller and to correctly describe the “impeller pulley 7”. Applicant believes that these amendments are supported by the application as disclosed or are inherent or are art recognized and are therefore not new matter. See MPEP 2163.07.

Claim Status

Claims 1-7 and 29-30 are pending in the Application. The Examiner has rejected claims 1-6, 29, and 30. Applicant has amended claim 29, including the typographical error informalities such as deleting –new--, and asks for reconsideration of Claims 29-30 in light of the amendment. Applicant believes that these amendments are supported by the application as disclosed or are inherent or are art recognized and are therefore not new matter (e.g. see Figure 9). See MPEP 2163.07 Applicant has amended claim 1 and asks for reconsideration of Claims 1-7 in light of the amendment. Applicant believes that these amendments are supported by the application as disclosed or are inherent or are art recognized and are therefore not new matter (e.g. see Figure 9). See MPEP 2163.07

Claim Rejections – 35 U.S.C. § 112

Applicant thanks the Examiner for pointing out the typographical error informalities in claim 29. Applicant has amended claim 29 to correct the typographical errors and believes that that this objection is now moot in light of the amendment. Applicant kindly requests that the Examiner withdraw this objection and asks for reconsideration of this claim.

Claim Rejections – Double Patenting

The Examiner has rejected claims 29 under the judicially created doctrine of double patenting over claim 5 of U.S. Patent 6,129,510. Applicant kindly disagrees with the Examiner's objections and asks for reconsideration of these claims.

An obviousness-type double patenting rejection can be overcome if the rejected claims are patentably distinct from the claims of the patent that forms the basis of the rejection. See *General Foods Corp. v. Studiengesellschaft Kohle MbH*, 972 F.2d 1272, 1278, 23 U.S.P.Q.2d 1839, 1843 (Fed. Cir. 1992). Claims 29 is patentably distinct from claim 5 in the cited patent since the external drive assembly is directly coupled to the impeller and does not claim genus of claim 5 in the patent cited. Therefore, claim 29 is not obvious and applicant asks for its allowance.

The Examiner has rejected claim 29 under the judicially created doctrine of double patenting over claim 14 of U.S. Patent 6,318,346. Applicant kindly disagrees with the Examiner's objections and asks for reconsideration of these claims.

An obviousness-type double patenting rejection can be overcome if the rejected claims are patentably distinct from the claims of the patent that forms the basis of the rejection. See *General Foods Corp. v. Studiengesellschaft Kohle MbH*, 972 F.2d 1272, 1278, 23 U.S.P.Q.2d 1839, 1843 (Fed. Cir. 1992). Claims 29 is patentably distinct from claim 14 in the cited patent since the external drive assembly is directly coupled to the impeller and does not claim genus of claim 14 in the patent cited. Therefore, claims 29 is not obvious and applicant asks for its allowance.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claims 1 as being anticipated by Minato et al. Reconsideration of the rejection is hereby requested.

The applicant has amended independent claim 1 above. To anticipate a claim, a single source must contain all of the elements of the claim. See Hybridtech Inc. v. Monoclonal Antibodies, 802 F.2d 1367, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1988). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. See Structural Rubber Prod. Co. v. Park Rubber Co., 749

F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). The reference must, however, “sufficiently describe the claimed invention to have placed the public in possession of it.” Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc., 976 F.2d 1559, 1572, 24 U.S.P.Q.2d 1321, 1332 (Fed. Cir. 1992). Applicant kindly disagrees with the Examiner’s objections and asks for reconsideration of these claims.

Claim 1, as modified, discloses a supercharger having the external drive mechanism having secondary overdrive components comprising a multibelt pulley adapted to receive a drive source using a motor belt. Minato et al. does not disclose an external drive mechanism having secondary overdrive components.

Minato is concerned with driving a plurality of auxiliaries using an idler pulley coaxial with a following pulley, not applicant’s external drive assembly to increase the gear up ratio. **Nowhere does Minato** teach the use of secondary overdrive components with a motor belt.

Therefore, Minato et al. does not anticipate claim 1 as now amended. The applicant respectfully requests the examiner withdraw the rejection of claim 1.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected Applicant’s claims under 35 U.S.C. §103(a).

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. 35 U.S.C. §103(a).

1. *Claim 2 was rejected by the Examiner as being unpatentable over Minato in light of Kumm.*

Minato is concerned with driving a plurality of auxiliaries using an idler pulley coaxial with a following pulley, not applicant's external drive assembly to increase the gear up ratio. **Nowhere does Minato** teach the use of secondary overdrive components. Similarly, Kumm is not concerned with passive control systems, such as spring loaded idlers for gear up.

Further, the motivation to modify the prior art must flow from the some teaching in the art that suggests the desirability or incentive to make the modification need to arrive at the claimed invention. See In re Napier, 55 F.3d 610, 613, 34 U.S.P.Q.2d 1782, 1784 (Fed Cir. 1995). Nowhere does Minato teach or fairly suggest the combination with Kumm.

Therefore, Minato in view of Kumm does not render claim 2 obvious. The applicant respectfully requests the examiner withdraw the rejection of claim 2.

2. *Claim 3 was rejected by the Examiner as being unpatentable over Minato in light of Heimark.*

Minato is concerned with driving a plurality of auxiliaries using an idler pulley coaxial with a following pulley, not applicant's external drive assembly to increase the gear up ratio. **Nowhere does Minato** teach the use of secondary overdrive components.

Heimark does not teach an external drive assembly comprising secondary overdrive components directly coupled to the impeller. In fact, Heimark teaches away from the present invention by using a conventional plurality of gears between the accessory shaft and the impeller to increase the rotational speed of the turbine. Therefore, applicant's claims as now amended are not obvious in light of Heimark. Thus, claim 3 is not anticipated by Heimark since Heimark's patent does not teach *an external drive assembly, comprising secondary overdrive components*, and teaches away from Applicant's invention.

Therefore, Minato in view of Heimark does not render claim 3 obvious. The applicant respectfully requests the examiner withdraw the rejection of claim 3.

3. *Claims 4-6 was rejected by the Examiner as being unpatentable over Minato in light of Kumm and in further view of Fisher.*

Minato is concerned with driving a plurality of auxiliaries using an idler pulley coaxial with a following pulley, not applicant's external drive assembly to increase the gear up ratio. **Nowhere does Minato** teach the use of secondary overdrive components. Similarly, Kumm is not concerned with passive control systems, such as spring loaded idlers for gear up. Moreover, Fisher does not teach or fairly suggest their use with the external drive assembly.

Further, the motivation to modify the prior art must flow from the some teaching in the art that suggests the desirability or incentive to make the modification need to arrive at the claimed invention. See In re Napier, 55 F.3d 610, 613, 34 U.S.P.Q.2d 1782, 1784 (Fed Cir. 1995). Nowhere does Minato teach or fairly suggest the combination with Kumm and/or Fisher.

Therefore, Minato in view of Kumm and/or Fisher does not render claims 4-6 obvious. The applicant respectfully requests the examiner withdraw the rejection of claim 4-6.

Conclusion

For the reasons set forth above, Applicant believes claims 1-7 and 29-30 are directed to patentable subject matter and a notice of allowance is therefore respectfully requested following the entry of Applicant's amendments. For the reasons stated above, Applicant respectfully requests reconsideration of its application.

In re Application of: MARTIN, Allen
Application No.: 10/657,318
Atty. Docket No.: PHDL06525-006

Art Group: 3748
Examiner: Trieu, Thai Ba

Respectfully submitted,

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